

APPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

October 8, 2008

I. ROLL CALL

Present: Larry Ciardella and Gurdev Sandhu
Absent: Sudhir Mandal
Staff: Bejines, Hom and Kunsman

1. MINOR SITE DEVELOPMENT PERMIT NO. MS08-0017, PUMPKIN PATCH

Tiffany Kunsman, Junior Planner, presented a request to locate a pumpkin patch sponsored by the Milpitas Rotary Club starting Friday October 17, 2008 through Thursday October 30, 2008 within the Milpitas Unified School District's parking lot at 1331 E Calaveras Blvd. Ms. Kunsman recommended to approve Minor Site Development Permit MS08-0017 subject to the attached Conditions of Approval.

Commissioner Ciardella suggested the following condition of approval:

1. The stacked hay bales for the children's maze shall be properly secured so they will not tip over easily. (PC-Sub)

Motion to approve Minor Site Development Permit No. MS08-0017, Pumpkin Patch.

M/S: Ciardella/Sandhu

AYES: 2

NOES: 0

2. MINOR SITE DEVELOPMENT PERMIT NO. MS08-0018

Tiffany Kunsman, Junior Planner, presented a request to construct a 3,520 square foot equipment enclosure at the rear of the building at 1210 California Circle. The enclosure will hold storage tanks and related equipment and will be fenced with a ten foot chain link fence with vertical stats. There will also be a metal canopy covering a portion of the enclosure. Ms. Kunsman recommended approval of Minor Site Development Permit MS08-0018 subject to the attached Conditions of Approval.

Motion to approve Minor Site Development Permit No. MS08-0018.

M/S: Sandhu/Ciardella

AYES: 2

NOES: 0

3. ADMINISTRATIVE PERMIT NO. AD08-0013

Cindy Hom, Assistant Planner, presented a request to hold a one-day outdoor event for the San Disk Employee Celebration that will be held on Friday, October 31, 2008 between the hours of 11:00AM to 3:00PM in the campus courtyard located at 500 McCarthy Blvd. Ms. Hom recommended approving Administrative Permit No. AD08-0013 subject to the attached Conditions of Approval.

Motion to approve Administrative Permit No. AD08-0013.

M/S: Sandhu/Ciardella

AYES: 2

NOES: 0

II. ADJOURNMENT

This meeting was adjourned at 6:40 p.m.

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I. PLEDGE OF ALLEGIANCE

Chair Williams called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

II. ROLL CALL/SEATING OF ALTERNATE

Present: Aslam Ali, Gunawan Ali-Santosa, Larry Ciardella, Alex Galang, Gurdev Sandhu and Cliff Williams
Absent: Sudhir Mandal
Tardy: Noella Tabladillo
Staff: Bejines, Hom, Lindsay and Otake

Alternate Commissioner Aslam Ali was seated as a member of the voting body.

III. PUBLIC FORUM

Chair Williams invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendaize the matter for a future meeting.

There were no speakers from the audience.

IV. APPROVAL OF MINUTES September 24, 2008

Chair Williams called for approval of the minutes of the Planning Commission meeting of September 24, 2008.

There were no changes to the minutes.

Motion to approve the minutes of September 24, 2008 as submitted.

M/S: Sandhu/Ali-Santosa

AYES: 5

NOES: 0

ABSENT: 2 (Sudhir Mandal and Noella Tabladillo)

ABSTAIN: 1 (Cliff Williams)

V. ANNOUNCEMENTS

James Lindsay, Planning and Neighborhood Services Director, announced that after 27 years, Cindy Maxwell, Principal Administrative Analyst, will be retiring. There will be a going away party on Friday, October 10th at 3 p.m. and the Commissioners are invited.

Chair Williams announced that he will be traveling for work and will not attend the next meeting. Since Vice Chair Mandal will also be away, Commissioner Sandhu will chair the meeting.

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**VI.
CONFLICT
OF INTEREST**

Assistant City Attorney Bryan Otake asked if any member of the Commission has any personal or financial conflict of interest related to any of the items on tonight's agenda.

Commissioner Sandhu announced as the President of the Sikh foundation of Milpitas, located at 1180 Cadillac Court, he will be abstaining from voting on Item No. 3 (Conditional Use Permit No. UP08-0015, Site Development Permit Amendment No. SA08-0023, and Environmental Assessment NO. EA08-0003).

Assistant City Attorney Otake asked that Commissioner Sandhu exit the dais and abstain from voting.

**VII.
APPROVAL OF
AGENDA**

Commissioner Tabladillo arrived at 7:04 p.m.

Chair Williams asked whether staff or the Commission have any changes to the agenda.

There were no changes to the agenda.

Motion to approve the agenda.

M/S: Ali-Santosa/Galang

AYES: 7

NOES: 0

ABSENT: 1 (Sudhir Mandal)

ABSTAIN: 0

**VIII.
CONSENT CALENDAR**

Chair Williams asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

Chair Williams suggested adding Item No. 2 (Conditional Use Permit No. UP08-0035) to the consent calendar. A member of the audience requested discussion on the item so Chair Williams retracted his statement.

Chair Williams opened the public hearing on Item No. 1 (Conditional Use Permit No. UP08-0013 and Site Development Permit Amendment No. SA08-0013 (Continued from September 24, 2008)).

There were no speakers from the audience.

Motion to continue Item No. 1 to the October 22nd meeting.

M/S: Sandhu/Tabladillo

AYES: 7

NOES: 0

ABSENT: 1 (Sudhir Mandal)

ABSTAIN: 0

***1 CONDITIONAL USE PERMIT NO. UP08-0013 AND SITE DEVELOPMENT PERMIT AMENDMENT NO. SA08-0013 (*CONTINUED FROM SEPTEMBER 24, 2008*):** A request to install a 45-foot tall double-sided, multi-paneled internally illuminated freestanding sign and approve a master sign program for Dixon Landing Plaza located at 1545-1551 California Circle. (*Recommendation: Continue to October 22, 2008*)

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**IX.
PUBLIC HEARING**

**2. CONDITIONAL USE
PERMIT NO. UP08-0035**

Cindy Hom, Assistant Planner, presented a request to allow a new cinema operator to occupy an existing vacant theater at 200 Serra Way. The site is zoned General Commercial with a Site and Architectural and the Gateway Office Overlays (C2-S-OO). The site is also located in the Midtown Specific Plan. The building was previously the site of the Serra Theaters and the applicant proposes to retain the same name, as well as the existing façade and interior. Ms. Hom recommended Adopting Resolution No. 08-054 approving the project.

Commissioner Galang asked how long the theater has been vacant. Chair Williams responded approximately 15 to 20 years.

Commissioner Sandhu asked if the theater has been renovated. Ms. Hom said the applicant will repaint and recarpet the area however no exterior renovation has been proposed.

Commissioner Tabladillo said she would like to add a condition that the applicant maintain the landscape in the front of the theater.

Chair Williams introduced the applicant.

Bhaskararao V. Molakalapalli, 1132 Chancery Way, San Ramon, CA, said the theater is in very good condition and they are only proposing carpet change and painting.

Commissioner Galang asked what type of movies would be playing and Mr. Molakalapalli said Asian films that include Indian and South Korean films.

Commissioner Galang asked what the status of the seats is and Mr. Molakalapalli said the seats are in good condition.

Alternate Commissioner Ali asked if the applicant will be serving snacks and Mr. Molakalapalli said yes.

Chair Williams asked if the films will have subtitles and Mr. Molakalapalli said yes.

Commissioner Sandhu asked if they will be showing Punjabi movies and Mr. Molakalapalli said yes.

Commissioner Sandhu asked when the applicant plans on opening and Mr. Molakalapalli said once he gets through planning review.

Chair Williams asked the applicant if he has any objections to help the landlord make sure that the front landscaping looks nice and Mr. Molakalapalli said no and that they have their own landscaping plan.

Chair Williams opened the public hearing.

Betty Crock, 180 O’Ryan Court, Milpitas, said she was concerned about what types of movies they will play at the theater. Ms. Crock said at one time, Cinema Lux theater group tried to open a discount theater and was not sure what happened.

Mr. Lindsay said that at time, the property was under a different ownership, and it was not an issue with the City. The Serra Center has now changed ownership and is bringing in a new tenant.

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Niranja Gupta, 683 Carnegie Place, Milpitas, said he is very excited to hear that the Serra Center movie theaters will reopen again.

Motion to close the public hearing.

M/S: Sandhu/Tabladillo

AYES: 7

NOES: 0

ABSENT: 1 (Sudhir Mandal)

ABSTAIN: 0

Commissioner Tabladillo said she rescinds her earlier statement about adding a new condition.

Alternate Commissioner Ali said he has had positive experiences with Indian theaters because they are family-oriented and kids are allowed.

Motion to adopt Resolution No. 08-054 approving Conditional Use Permit No. UP08-0035.

M/S: Sandhu/Ali

AYES: 7

NOES: 0

ABSENT: 1 (Sudhir Mandal)

ABSTAIN: 0

**3. CONDITIONAL USE
PERMIT NO. UP08-0015,
SITE DEVELOPMENT
PERMIT AMENDMENT
NO. SA08-0023, AND
ENVIRONMENTAL
ASSESSMENT NO. EA08-
0003**

Commissioner Sandhu abstained from voting on Item No. 3 due to a conflict of interest because of his proximity to the property and exited the dais.

Cindy Hom, Assistant Planner, presented a request to locate a 39,626 square foot church and charitable facility consisting of a sanctuary hall, prayer rooms, administrative offices, classrooms, dining hall, and a multi-purpose room that which will be converted into a future auditorium upon build out of the project. The project will be implemented in two phases. Phase I consists of the formation of the sanctuary hall, prayer rooms, multi-purpose room, dining hall and kitchen. Phase II consists of converting the multi-purpose room and ancillary space into an auditorium and upgrading the kitchen facility with commercial appliances. The facility would operate seven days a week from the hours of 6:00AM to 9:30 PM. The project request also includes a request to permit joint use parking and installation of minor site improvements for the building located at 1221 California Circle. Ms. Hom recommended adopting Resolution No. 08-055 approving the project and adopting the Mitigated Negative Declaration.

Commissioner Ciardella asked what the occupancy is in the sanctuary hall and Ms. Hom said 647 people however there will only be 140 fixed seats.

Commissioner Tabladillo and Commissioner Ciardella are concerned that 647 people can fit in the sanctuary hall and 581 people can fit in the back.

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Mr. Lindsay explained that when analyzing religious facilities and other types of facilities that have multiple facets, the analysis is based on the information in the staff report which is the schedule of events of how each area of the room will be used throughout the day. The applicant will be held to the schedule of the use and if he does not comply with the schedule he will be in violation of the use permit.

Chair Williams asked if the religious practice will be using floor space for worship service.

Himanshu Pande, 1085 Hadera Court, Sunnyvale, CA, said the church does not have any set practices and it is up to the people whether they want to sit on the chairs or sit on the floor.

Alternate Commissioner Ali asked if the Fire Dept. reviewed the occupancy and Ms. Hom said yes.

Commissioner Galang said according to the schedule of activities, Thursday's from 7 p.m. to 9 p.m. will be the busiest day and asked what will be the maximum amount of members that will be there. Ms. Hom deferred the question to the applicant.

Chair Williams asked if the applicant will have any special events such as weddings frequently throughout the year. Ms. Hom said yes and that the schedule is included in the staff report.

Chair Williams asked about the number of people that will be expected at the events. Ms. Hom said it is very hard to tell however the applicant is aware they are limited to their available parking to their facility and staff is not anticipating negative impacts in terms of parking. There will be an amendment to their CC and R's that would allow a parking arrangement where they can use the tenant's parking after 6 p.m. and all days on weekends and they were allocated 281 spaces. The property owner can enforce this arrangement.

Chair Williams introduced the applicant.

Himanshu Pande, 1085 Hadera Court, Sunnyvale, CA, provided a PowerPoint presentation about his project.

Chair Williams asked if the church is considered a temple and Mr. Pande said yes.

Commissioner Tabladillo asked the applicant how large is the congregation. Mr. Pande said they don't have more than 40 to 50 devotees during the weekdays. On the weekends they have about 50 to 60 devotees and if it is a special day, 70 to 80 devotees. The real need is for Thursday evenings which they will have 500 to 600 devotees for Thursday's choir.

Commissioner Tabladillo asked where the members come from and Mr. Pande said they come from all over and some even come from Stockton.

Commissioner Tabladillo asked if the youth classroom program from 6:30 a.m. to 9 p.m. will be a daycare facility and Mr. Pande said they will provide short programs and cultural and language activities for kids but it will not be a daycare.

Commissioner Tabladillo asked if a physician would do physical exams and Mr. Pande said sometimes doctors and lawyers offer free consultation services to members and it is voluntary only.

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Commissioner Galang asked if the numbers of members would increase in the future for the Thursday choir event and Mr. Pande said he is not sure.

Commissioner Galang asked if their Sunnyvale facility is open on Thursday evenings and Mr. Pande said the Sunnyvale facility is very small and the Thursday choir is rented at a different place.

Commissioner Galang asked if the Sunnyvale facility will close and Mr. Pande said yes.

Commissioner Galang said he is concerned about the temple members creating traffic on Thursday evenings. Ms. Hom said the trip generation analysis reported that the temple will only be generating 42 new trips which is less than the 100 threshold so staff doesn't anticipate any increase traffic.

Commissioner Galang asked if the temple has carpool services and Mr. Pande said there are a group of seniors that carpool together.

Chair Williams opened the public hearing.

Rita Vora, 895 Pacheco Drive, Milpitas, said she is very excited that the temple will open in Milpitas because it will open an avenue for different cultures. She asked the Commission to approve the project.

Guran Singh, 375 -379 Fairview Way, Milpitas, said his office faces the proposed project and his company has issues with parking. They have a computer business with only 15 employees and want to make sure they will have reserved parking.

Amos Speaker, 150 Sobrante Court, Fremont, said he has had very positive experiences with the temple and that the members want to improve society. He has visited the temple on Thursday nights and it was not crowded at all and the members were very quiet servicing themselves. He felt it was worth the support and consideration for the Planning Commission to approve the project.

Padma Kumar, 2820 Jergens Drive, Milpitas, said she has two children and felt America is a melting pot and she believes in equality and wants society to live together and work together and felt the temple can set an example of being tolerant of religions and cultures. She asked that the Commission approve the project.

Citizen, 1520 Gameir Court, Sunnyvale, said he is fortunate to be living in Milpitas for 25 years because it is a unique City that recognizes different religions. He recalled when the City Mayor gave the city key to a saint from India. He asked that the Commission approve the project.

Niranja Gupta, 683 Carnegie Place, Milpitas, said he has known temple members for more than 30 years and felt there are no words to describe all of the volunteers. He asked the Commission to approve the project.

Vishna Mathur, 692 Canterbury Place, Milpitas, said the temple is a very peaceful organization and most of the seniors take transit and carpool.

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Jim Wood, Stonewood Properties, 4229 Birch street, Newport Beach, CA, said he is the majority property owner on site. There are six other owners within the association and they have amended the CC and R's to accommodate private restrictions on the uses and the parking. There is work to do to identify after hour parking to accommodate the other tenants on site however five of the owners unanimously voted for this use and one person abstained from voting.

Chair Williams said there was a statement made from the public about a parking issue and asked the applicant and owner if they would be working with staff continuously and be agreeable to a 6 and 12 month review and both agreed.

Motion to close the public hearing.

M/S: Tabladillo/Galang

AYES: 6

NOES: 0

ABSENT: 1 (Sudhir Mandal)

ABSTAIN: 1 (Gurdev Sandhu)

Chair Williams suggested the following special condition:

The project is shall be reviewed by the Planning Commission in a fully noticed public hearing within six (6) months of occupancy and another subsequent permit review at twelve months. The Planning Commission may impose additional special conditions, if necessary, to address any issues related to the new use. The applicant shall bear the costs of all materials and fees associated with the hearing (PC)

Motion to adopt Resolution No. 08-055 approving Conditional Use Permit No. UP08-0015, Site Development Permit Amendment No. SA08-0023, and Environmental Assessment NO. EA08-0003 project and adopting the Mitigated Negative Declaration with the six and twelve month review.

M/S: Williams/Ali-Santosa

AYES: 6

NOES: 0

ABSENT: 1 (Sudhir Mandal)

ABSTAIN: 1 (Gurdev Sandhu)

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**X.
ADJOURNMENT**

The meeting was adjourned at 8:22 p.m. to the next regular meeting of October 22, 2008.

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

Veronica Bejines
Recording Secretary

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